

**CITY OF HARAHAH
6437 JEFFERSON HIGHWAY, HARAHAH, LOUISIANA
MAYOR AND HARAHAH CITY COUNCIL
September 17, 2015**

The Mayor and the Council met on the above date for the regular meeting at 7:30 pm.

PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance, the Mayor called the Meeting to order at 7:30 p.m.

ROLL CALL

Present: Mayor Miceli, Councilman Baudier, Councilman Benton, Councilman Huete, Councilman Johnston, Councilman Wheeler, Municipal Clerk Nicole Lee, Fire Chief Todd St. Cyr, Police Chief Tim Walker.

Mayor Miceli announced that Mr. Dimarco, Registrar of Voters was conducting a voter drive at the meeting. She also congratulated the semi-finalists of the national merit scholarship and that her son Michael is one of the finalists. She said that the Pump to River project is proceeding and that the city had been notified that starting 7:30 pm Friday, Sept. 18 will see lane closures on Jefferson Hwy. which will last 1 year. She met with the Corps and having biweekly meetings and the city's web site will have constant updates.

Special Guests;

Billy Nungesser announced he is running for Lt. Gov. & he recommended Mike Mullin. He worked with him for 19 yrs. and found him fair and said he always did the right thing. He worked to bring them together. He does not have an ego.

Jimmy Lawson announced he is running for Division A, Parish Council at Large. His District is mostly on the East Bank. He was not pleased with the hospital deal for West Jefferson. He said there was a \$500 million surplus for East & West Jefferson Hospitals and they were not to be sold without a vote of the people. But the current council has leased West Jefferson for 40 years.

The Mayor asked Councilman Wheeler to keep time for the speakers since the ordinance gives 3 minutes per person.

She also asked that no personal issues be discussed.

The Mayor commented on the Legislative Auditor report saying that serious problems were found upon her administration taking office. She disclosed the problems to the Legislative Auditor and said the city is now in compliance.

Some of the Issues found were:

All property taxes were not collected per RS: 42:2154

Capable firm to collect taxes.

Health Insurance was improperly provided to some employees and employees no longer with the city were

covered for a time. Insurance is now provided only for full time employees and they are continuing to monitor.

The illegal payments for health & life insurance continued from 2013 until May, 2015. LMA, the Legislative Auditor & the City Attorney all agreed that this was illegal.

The Mayor thanked the hundreds who emailed her about this problem and said she was cc'd on emails to the council.

The report noted unsupported payments – inadequate & outdated contracts & improper pay raises & missing documents. RS 44:46 requires public records must be maintained as a duty of the City Clerk. The city is working to rebuild the files. She said a document imaging system would help in this endeavor and she will ask Councilman Johnston to give us the funds for this purchase.

She said the report also noted RS 33:1305 - non-compliance of local gov't act. No budget for 2015 Rev. 33:1305. More than \$1.2 million was spent that the city didn't have.

Software has been updated and improved – some savings occurred.

Sink holes and hurricanes were excuses used, but emergencies have procedures which were not followed so Harahan was not reimbursed for all expenses.

The city is working on corrections – coming into compliance is just the beginning. It took 20-30 years to get to this point and she asked for patience because it will take time to totally correct.

SPECIAL PRESENTATIONS

None

ADDRESS THE COUNCIL

Rena Sanders offered congratulations to Councilman Baudier, who was selected as Legislator of the Year for Jefferson Parish. She thanked the council for help with her insurance problem. Henry Witty was her grandfather and was police chief in Harahan. She would like the pictures of past officials back. People are asking her about the pictures.

Mayor Miceli said they are working with IT to scan them onto the website so that our history is not lost.

Eric Chatelain, asked for a meeting about 955 Oak with the residents, but it wasn't allowed. Moving forward he will build 2 homes and he will be filing for an administrative resubdivision. His brother and a good friend will be moving there.

Darlene Schwartz announced the Drug Take Back Day – Sept. 26th 10 am – 2 pm at Rite Aid & Police Dept.. National Night Out Against Crime at St. Rita – Oct. 13; 6:30-8:30 pm – live band; behind the school.

The Mayor thanked Darlene as “Harahan’s Ambassador of Good Will”.

Rhonda Bagby said that in May Mr. Baudier was overheard telling Councilmen Huete and Wheeler how to vote on an ordinance. She asked if they couldn't make their own decisions. He commented that he doesn't know why people

have to get up and speak, but does not appreciate being called a terrorist. Councilman Johnston and Councilman Bennet are the only ones who called her back.

Tim Baudier – voted for the assisted living home on Colonial Club – apologized for terrorists comment.

Mae Jean Cazenave, Oak Ave. spoke to Councilman Baudier and Councilman Huete about their inactivity to stop the former Mayor's illegal actions. She commented on Councilman Huete's comment to city attorney about what her duties as a Councilman are. She noted that citizens are tired of the "Good Old Boy Network".

Terri Valente, Colonial Club Dr., Councilman Baudier owes everyone an apology for calling us terrorists. Felt a kindred spirit with Oak Ave. residents because her property will be degraded by Colonial development. The zoning law should be the same for all and if a change is made it affects the whole city. The zoning law is for everyone in the city and personal friends who seek to change the law should recuse themselves. Daughter sent letter about moving back to Harahan and Councilman Huete sent hostile and nasty letter back to her.

Debra Smith – 926 Oak – she is relieved since Mr. Chatelain has decided to comply with the law. There are drainage issues on Oak Ave. What storm water management plan does the city follow? She is a former advisor to Louisiana Land Management and she invited the council to attend a canoe trip event on Sun., Oct. 18 on the Tangiphoa River.

Tracy Whittle – Harahan is her husband's home town. Her younger sister is 34 yrs. old with 3 young children. There will be a fund raiser on Sept. 26 at Harahan gym from 6 – 10 pm. \$20 – Midnight Special band. Silent Auction & Live Auction. She thanked the KCs and the Ladies Auxillary for their hope. **Mayor Miceli** said that the Whittle family was one of the first families to welcome the Miceli family to Harahan.

David Arceneaux, Haroleans – A small, tight-knit community who take care of each other. Harahan Police Dept. needs 3 additional officers. Neighborhood Watch – 3 incidents in last week – Part time employees which the Councilmen are do not receive paid health insurance. He has a hard time believing they work 40 hrs. a week for the city. If they can't support the police dept. we might as well unincorporate.

Mike O'Brien, River Ridge announced he is running for Jefferson Parish Council. He has had enough of the norm in politics. Every decision requires some sense of business. He commented about the councilmen and each one cares for the city, but now it's time to come together and work together and make it happen.

Laurie Dominguez, Oak Ave. – 10th & Hickory is for sale – there are underground tanks so an environmental study must be done before any permit can be issued.

Chief Tim Walker presented Officer David Mitchell – Class C commendation for helping Jefferson Parish at a bar room shooting in Metairie.

Mayor Miceli is thankful for our men and women in uniform – want to support you any way we can.

Police Chief Walker gave his report for August. He reminded everyone that lane closures on Jefferson Hwy. start Monday morning so leave early. Thrift shop supporting animal rescue business opened across from Charlie's Seafood. He takes his oath of office very seriously. He has attempted to work with some council members but it has not been reciprocated. He supports the nomination of Mike Mullin. Some city ordinances need to be updated, auctions, contracts and all matter of problems are being held up because we have no city attorney. ABO cannot be acted upon without city attorney.

APPROVAL OF MINUTES

A motion was made by Councilman Johnston and seconded by Councilman Wheeler to dispense with the reading of the minutes of the August 20, 2015 Council Meeting.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None.

ABSENT: None

MOTION APPROVED

A motion was made by Councilman Johnston and seconded by Councilman Wheeler to approve Bentthe minutes of the August 20, 2015 Council Meeting.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None.

ABSENT: None

MOTION APPROVED

COMMUNICATIONS

BOARD OF ADJUSTMENTS AND APPEALS

A motion was made by Councilman Johnston and seconded by Councilman Baudier to dispense with the reading of the minutes of the August 26, 2015 Appeals Board Meeting.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION APPROVED

A motion was made by Councilman Wheeler and seconded by Councilman Benton to approve the minutes of the August 26, 2015 Appeal Board Meeting.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: None.

ABSENT: Benton

MOTION APPROVED

PLANNING & ZONING BOARD

The Planning & Zoning Board did not meet in September

RESOLUTIONS –

The following Resolution was offered unanimously by the council.

The Resolution was read by Councilman Huete.

A Resolution supporting the Municipal Clerk.

Councilman Benton – has nothing to do with the clerk’s performance – but don’t think the board can dictate to the Mayor about the day to day activities. Not a proper resolution.

Councilman Huete – it is a recommendation not a dictation. Mayor Miceli – highly inappropriate to discuss personnel matters in open meeting – refrain from discussing this matter at the meeting. She referenced RS 33:401 (a) (3) Mayor has the authority to appoint and remove municipal employees, and appointed officials can be dismissed with approval of the board. The Council cannot usurp duties of the Mayor as stated in RS 33:362 (b). The council cannot pass a resolution dictating working conditions or the Mayor’s duties.

Councilman Baudier – support Nicole – excited when she came – a new fresh face. Her mom Rena Sanders could back her up. She will grow into the job. Some time down the road may be one of the best clerks the city ever had.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: Benton.

ABSENT: None

RESOLUTION APPROVED

ORDINANCES FOR APPROVAL (Public Hearing)

The following Ordinance was introduced by Councilman Baudier and seconded by Councilman Huete.

The City Clerk read it in its entirety and noted that this ordinance was vetoed by the Mayor.

1. An Ordinance providing that the Harahan Municipal Code be supplements to fix the compensation of the elected public officials of the City of Harahan as required by L.R.S. 33:404.1. (vetoed)

The Mayor opened the Public Hearing

The Mayor closed the Public Hearing Johnston/Benton

Discussion: Councilman Baudier withdrew the ordinance. Will try to balance the budget.

The Mayor called for the vote, it was as follows:

YEAS: Huete, Wheeler

NAYS: Benton, Johnston

ABSENT: None

ABSTAIN: BAUDIER

Mayor Miceli said that Councilman Baudier showed much grace & it was appreciated.

The following Ordinance was introduced unanimously by the Council.

The City Clerk read it in its entirety.

2. An Ordinance authorized the transfer of the utility franchise by and between the City of Harahan and Entergy Louisiana, LLC, the successor in interest to Louisiana Power & Light Company, to Entergy Louisiana Power, LLC.

The Mayor opened the public hearing. Johnston/Benton

The Mayor closed the public hearing. Johnston/Wheeler

Board Discussion: None

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

ORDINANCE PASSES

ORDINANCE FOR INTRODUCTION (FIRST READING)

The following Ordinance was introduced by Councilman Benton

The City Clerk read it by title only.

1. An Ordinance amending Ordinance No. 1791, the Annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2015 for the City of Harahan, Louisiana.

The following Ordinance was introduced by Councilman Benton.

The City Clerk read it by title only.

2. An Ordinance amending Ordinance No. 7194, the annual Budget for the Sales Tax Fund for the City of Harahan, Louisiana for the Fiscal Year ending December 31, 2015

The following Ordinance was introduced by Councilman Baudier.

The City Clerk read it by title only.

3. An Ordinance amending Ordinance No. 1793, the annual Budget of Revenues and Expenditures for the Sewerage Department for the Fiscal Year ending December 31, 2015.

The following Ordinance was introduced by Councilman Wheeler.

The City Clerk read it by title only.

4. An Ordinance amending Ordinance No. 1791, the annual Budget of Revenues and Expenditures for the Fiscal Year ending December 31, 2015 for the City of Harahan, Louisiana.

OLD BUSINESS

None

A motion was made by Councilman Johnston to amend the agenda and seconded by Councilman Huete to add the Knights of Columbus Ladies Auxillary Trunk or Treat – Oct. 10 – 7- 11 pm at St. Rita school and to allow them to serve beer and wine at the event.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None
MOTION PASSES

NEW BUSINESS

1. City Attorney nomination – Michael Mullin

Mayor Miceli said the city is without a city attorney – 3rd city attorney since she took office. Debra Fochie – lead attorney for Jefferson Parish. She has interviewed many attorneys and none impressed her as Mr. Mullin. He has 19 years of government experience as 2nd in charge for Plaquemines Parish. Discussed with Attorney General and he recommended Mike Mullin. Debra Fochie, Steve Dwyer, Billy Nungesser have all recommended Mike Mullin. But the Council members have said they are not ready to vote. The Louisiana Legislative Report is very serious – it's concluded but the work is just beginning. Received a 30 yr. old consent decree from US Dept. of Justice, Alicia Johnston – 30+ cities were removed – but Harahan was not – and we need a response by the middle of September. She asked for a postponement but the date does not reach to next meeting. Police & Fire Chief have many questions to answer. Multiple lawsuits and one that is going to court in a couple of weeks. Back log of legal issues that have not been addressed. Legal representative is needed to meet with Army Corps of Engineers. Damage has been done that need to be addressed. La. Gov't. Budget Act – contracts that are missing must be dealt with. FEMA guidelines must be followed. Several council members are not ready, but fortunately Mike Mullin is working pro bono to help out. She thanked him for his help. She asked for a motion to defer.

A motion was made by Councilman Benton and seconded by Councilman Johnston to defer the nomination to the next council meeting.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None.

ABSENT: None

MOTION APPROVED

Mayor Miceli asked the residents to review his nomination.

Councilman Huete – did we advertise for resumes on website? How many resumes were presented.

Mayor Miceli said it is on the website and yes there were other nominees and she put forth her choice. It is about trust and impartiality. Been told by Mr. Mullin's colleagues that he cares, he's a straight shooter and Mr. Mullin has told her when she was wrong.

2. City Council Attorney

Councilman Baudier said that Mayor asked he contact Steve Petit – asking for money in the budget to hire a council attorney.

Mayor Miceli – Mr. Petit has not called or talked to her about serving as an attorney for the council. She was delivered a resume and the clerk said it came from Mr. Baudier.

Councilman Baudier - We have money in budget for an attorney.

Mayor Miceli said the nomination comes from the Mayor only.

3. Permission to sell beer and wine at the Lori Mayer Gauthier Fundraiser on Saturday, September 26, 2015 from 6:00 pm until 10:00 pm at Harahan Gym.

A motion was offered by Councilman Wheeler and seconded by Councilman Baudier to grant permission.

4. High Content ABO application for KOS Entertainment dba The Ridge Bistro located at 1827 Hickory Ave., Suite D & E, for Keith O. Springman.

Johnston/Baudier

Councilman Wheeler asked that Robert Heintz address the council.

Robert Heintz, CFO, stated that provided the council with a budget amendment for all funds – overspent & underspent on some line items – projected too high & too low. Amended increase \$17,146 funds \$14,490 not considering the \$453,000 from the BP settlement.

The amended budget has a line item \$458,876 for deficit including \$2,500.

Councilman Huete asked that he define the word deficit to educate the public.

Mr. Heintz – the deficit is in the general fund. Over 4 yrs. the general fund was overspent and created a \$1.2 million deficit from a 2011 \$1 million surplus. The city borrowed money from the capital projects fund because the general fund was overspent. There is no Capital Fund. There is no additional debt – the sales tax bonds are occurred way prior to that.

Councilman Huete stated that the city did not go into debt but borrowed money from another fund to cover emergencies. The city didn't borrow any money but its own money.

Mayor Miceli asked about the 5% overspending.

Mr. Heintz said when we have an overage over 5% we must amend budget, but that wasn't done. 2015 budget was not passed.

Mayor Miceli said using sink holes and hurricanes as an excuse when we had a \$1 million surplus was not adequate. Overspending was done in part by not following bid laws – not reimbursed for hurricanes because they did not follow the law. We cannot misspend the public's money

Councilman Wheeler what areas were overspent what in this year's budget – what are the figures? If we hadn't overspent line items we would be better off.

Mr. Heintz said there are additional revenues and others that were over projected. It balanced out. People leaving city hall caused extra money available.

Councilman Wheeler – budget hearing in near future to discuss this year and next year. Televised if possible.

A motion was offered by Councilman Wheeler and seconded by Councilman Johnston to hold a special budget meeting – date and time to be determined – with Cox Cable present to discuss the budget only.

The Mayor called for the vote, it was as follows:

YEAS: Baudier, Benton, Huete, Johnston, Wheeler

NAYS: None

ABSENT: None

MOTION PASSED

ADDRESS COUNCIL

Laurie Dominguez, Oak Ave. – city attorney – public entity law is differed from contract law – you need experienced person.

Mr. Mullin has 19 years experience in government.

Mae Jean Cazenave, Oak Ave. can't understand why you can't vote for an attorney. You want an attorney for the council but you can't vote for an attorney for the city.

Louella Lang, Oak Ave. Eric Chatelain came to house and said he would build 2 homes on church property. He said he wants townhouses on the corner lot – flooding problem – we are requesting a storm water drainage study by the owner before permit is issued. Service station needs environmental impact study and wish to be notified when these studies are done.

Councilman Baudier & Councilman Huete asked Mr. Chatelain to defer his ordinance to put a plan together.

Ms. Lang said that Councilman Huete called her back but it took 8 days for Councilman Baudier to call back.

Carolyn Clausing – OK Ave. concerned about city attorney – Mr. Mullin is highly qualified and you should vote for him.

SECRETARY'S REPORT

Secretary's report for August, 2015 total receipts is \$870,936.15

REPORTS

Chief Walker asked that everyone follow the dept. on their facebook page.

Chief St. Cyr gave his report for August.–

Edwin Lauricella – maintenance director gave his report.

Councilman Huete – none

Councilman Johnston – Sept. 26 – 6-10 pm fundraiser. Trunk or treat – back parking lot Oct. 10 at St. Rita \$5 per kid.

Councilman Baudier is not condoning anything done by last administration, but the sinkhole on Wilson was huge and as for the hurricane, the city was back & running in 1 week.

Councilman Wheeler said she is upset by the personal backlash – questioning the type of cars and schools their children attend. She feels these comments crossed the line. If you have a concern – call us.

Councilman Baudier said he doesn't respond to ugly email.

Mayor Miceli said the tone of this meeting was better – but the city is still without an attorney. She hopes for a change to a more respectful culture.

PAY BILLS

Bill's paid for July, 2015 in the amount of \$327,972.36

EXECUTIVE SESSION

ADJOURN

A motion was offered by Councilman Wheeler and seconded by Councilman Johnston to adjourn at 9:59 pm.

The Mayor called for a vote. The vote was:

YEAS: Baudier, Huete, Johnston, Wheeler

NAYS: None.

ABSENT: Benton

MOTION APPROVED

A. The following matter involving pending litigation may be considered:

- 1. Phillip Canella vs. Arch Ins. Co., City of Harahan, Todd A. St. Cyr and Allstate Ins. Co.; 24th JDC, Case 744-961, Div. "I".**
- 2. Susanne K. Scalise vs. City of Harahan, LA, Anne Gordon, Louise Slayden, Ronald Gordon, Gail Gordon; 24th JDC, Case 744-986, Div. "O".**
- 3. City of Harahan, et al, v. BP Exploration & Production, Inc., et al, U.S.D.C., Eastern District of Louisiana, No. 2:13-cv-01397.**

B. The following matter involving prospective litigation for which formal written demand has been made may be considered.

C. The following matters involving discussion of the character, professional competence, or physical or mental health of:

Name

Tina Miceli, Mayor

Nicole Lee, Municipal Clerk